

**House Bill 94**

Revise Professional and Occupational Licensing Laws

Sponsor Rep. Arntzen**Program Contact: Jack Kane, Business Standards Division Administrator 841-2243****Pages 1 – 4, General changes affecting all Boards and Programs.**

- Amends Sections 37-1-304, and 305. This amendment removes the requirement that the department receive verification from another state or states that the applicant is not subject to disciplinary action in that state before the department issues a license and instead requires that the applicant request this information from the state or states that they have been licensed in and, If after receipt of the information, the board finds that the applicant falsified this information they may suspend the license pending further action. Also applies to Temporary practice Permits (305)
- Amends section 37-1-307 to define a screening panel as an agency making 37-1-307 consistent with 2-4-631 which deals with contested cases for licenses.

Page 5 -8, Board of Dentistry

- Amends sections 37-4-101 and 37-4-511 generally updating anesthesia regulations and definitions to reflect terms and practices currently used by the industry. The Montana Board of Dentistry has not amended or updated 37-4-511 since its inception in 1985 and the definitions in 37-4-101 do not correlate to the terms currently used by the industry and the American Dental Association guidelines.

Page 8, Board of Medical Examiners.

- Amends section 37-6-302 removing the requirement that the applicant achieve a score of at least 75% on the podiatry examination administered by the board. Since the board no longer administers an examination and instead recognizes the exam administered by the National Board of Podiatry, this language is unnecessary.
- Amends section 37-3-310 to allow a person to notify the department electronically or in writing instead of just in writing of changes in name, address etc.

Page 8 - 11. Board of Barbers and Cosmetologists.

- Amends Section 37-31-305 to remove superfluous language pertaining to licensure requirements to be an instructor in the fields of; barbering, cosmetology, electrology, esthetics, or manicuring. Currently, the language address each practice area separately. These changes condense the repetitious language to one set of requirements. The current primary requirements that the person must have a licenses in the area in which they intend to teach, that they have at least 3 continuous years of practice in that field, that they have received at least 650 hours of student teacher training are still in effect.

- Amends Section 37-31-309 to add the provision that the booth rental licenses must be renewed within one year of the most recent renewal date or the license will terminate. Current statutes do not specify the length of time a Booth Rental Licenses is effective. If not active, needs to drop off our database.
- Amends Section 37-31-312 to allow a shop to operate under a temporary permit until it has been inspected and grants the owner 30 days to respond to citations. Currently the shop can operate under a temporary permit for 90 days or an initial inspection, whichever comes first. In the past the department has not always been able to inspect within 90 days thereby putting the shop in violation for a cause they had no control over.

Page 11 – 12 Board of Outfitters.

- Amends Section 37-47-202 by removing the investigative duties of the Executive Director. The Executive Director's duty is to assist the Board in carrying out all of its duties which are much more broad than just investigatory. Additionally, requiring investigator status for the position restricts the applicant pool which may result in not having the best qualified person in the position.
- Amends Section 37-47-310 to expand the reasons for a business to continue in operation by another person designated by the outfitters family and approved by the board from just death to incapacitation due to injury or mental disease or active duty in the armed forces.
- Amends Section 37-47-351 to remove the qualifications requirement for investigators. The current qualifications allow for a very limited applicant pool and would not necessarily guarantee the best person for the position.

Page 12 - 13, Board of Realty Regulation.

- Amends Section 37-51-204 to clarify that electronic information received from a CE provider may be used by staff to determine CE requirements for licensure but the information cannot be used for audit purposes.
- Amends Section 37-51-308 to change the term "fixed office in this state" with "designated physical address" to provide consistency in board language.
- Amends Section 37-51-605 to remove the requirement that the office manager be designated on the property manager licenses. Office managers may change within the license duration requiring that a new license be applied for and issued whenever an office manager changes.

Page 13 – 19, Board of Private Investigators, Private Security and Fire Entities and Process Servers.

- Amend 37-60-101 Definitions Section to add the term "Sells" to the definition of Electronic Security Company (line 24 page 14) and Security Alarm Installer (line 9, page 16) to recognize that while these entities may only sell these systems and may not be the installers, they will be going into people's homes and discussing security issues with the public just like those entities who sell and install. This section also amends line 2, page 16 by removing the word "Branch" in reference to a "branch" office and instead only referencing office.

- Amends Section 37-60-202 by removing from rulemaking authority the requirement to maintain records. The board feels that this requirement is vague, provides no direction as to what records must be kept and is unnecessary since all pertinent documentation for licensing such as training, education, and firearms certification etc. are listed in the licensing qualifications section and already kept in the departments' database.
- Amends Section 37-60-303 and 304 by removing the term "under oath" when submitting evidence of qualifications for licensure or renewal. The applicant's signature on the application/renewal form is the affirmation that the evidence presented is correct and true. The board feels the "Under Oath" requirement is outdated and unnecessary. Also replace the term "Board" (line 1 page 18) with department as it is the departments responsibility to prepare the forms, not the boards.

Pages 19 -21 Board of Engineers and Land Surveyors.

- Amend Section 37-67-306 by striking the words "who has passed examinations of a grade and character that" and inserting "whose qualifications". Replaces ambiguous language with current terminology.
- Amends Section 37-67-312 to clarify the requirements for reciprocity licensure. Current reciprocity requires that standards in effect in Montana at the time of the applicant's licensure in another state must be similar. This is unrealistic and the board requests this change to allow qualified applicants to be licensed in a timely fashion.

Page 21. Crane Operators.

- Amends section 50-76-113 to recognize that there are other entities other than the National Commission for the Certification of Crane Operators and that if these other entities are approved by the department as having qualifications of certification that are substantially similar to the requirements of the state then certification by these entities will allow the department to issue a license based on their certification.

Page 22, Board of Pharmacy

- Repeal section 37-7-204, posting of prescription drug prices. Due to the fluctuation of current drug availability and introduction of new drug; frequent changes in the wholesale cost, and the various cost structures for insurance reimbursement, the annual compilation of the 20 most frequently prescribed drugs and the monthly posting of their prices in drugstores would , in the boards' opinion provide no benefit to consumers.